IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 11785 of 2004(C)

PETITIONER:

AJITHA W/O. SADANANDAN,
RESIDING AT ANISH BHAVAN, CHERTHALA SOUTH VILLAGE.

BY ADV. SRI.G.GOPAKUMAR (CHERTHALA)
SRI.RASHEED C.NOORANAD

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, LOCAL ADMINISTRATION DEPARTMENT,
THIRUVANANTHAPURAM.

2. CHERTHALA MUNICIPALITY REPRESENTED BY
ITS SECRETARY, MUNICIPAL OFFICE, CHERTHALA.

3. SIVATHANU PILLAI, S/O.MUTHUSWAMY PILLAI,
ERAAMATHU VELIYIL, SULO NIVAS, CMC-10, CHERTHALA.

R1 BY GOVT.PLEADER SRI.K.J.MOHAMMED ANSAR.
R2 BY SRI.J.OM PRAKASH, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, ALONG WITH WPC NO. 11182 OF 2004, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) Nos.11182 & 11785 OF 2004

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DATED THIS THE 12TH FEBRUARY, 2007

J U D G M E N T

The grievance of the petitioners in W.P.(C)No.11182 of 2004 is that the Municipality is not implementing Ext.P6 order of demolition in respect of the unauthorised building put up by respondents 2 and 3 in that case. W.P.(C)No.11785 of 2004 is filed by the 3rd respondent in W.P.(C)No.11182 of 2004, who is the real tenant occupying the building in question. Her grievance is that even as her application for regularisation of the construction was pending before the Government, the Municipality is taking hasty steps for implementing Ext.P6.

2. It is now seen from Ext.P11 order (in W.P.(C)No.11182 of 2004) that the Government has rejected the application submitted by the petitioner in W.P.(C)No.11785 of 2004 for regularisation. This being the position, I do not find any reason as to why the Municipality should not implement Ext.P6 order. I dispose of both the Writ Petitions directing the Municipality to hear the parties once again and do the needful to have Ext.P6 implemented fully and finally. This will be done by the Municipality within three weeks of receiving copy of this judgment.

tgl **(PIUS C. KURIAKOSE, JUDGE)**

tgl